

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3168 OF 2007

Dr. Asish Saha ..Applicant

Vs.

Shri Ali Hamid Daruwala and anr. ..Respondents

Mr. A.V. Anturkar i/by Mr.S.B. Deshmukh for applicant.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 26, 2007.

P.C.:

. Not on board, but on motion taken out by Shri Anturkar, the learned counsel for the applicant, taken on board.

. The applicant is aggrieved by the order of issuance of process passed by the learned JMFC (Cantonment Board) at Pune on 16/8/2007 in Criminal Case No. 2835 of 2007.

. As has been held by this court in the case of V.K. Jain and ors. vs. Pratap V. Padode [2005 (3)

Mh.L.J. 778], the applicant has an alternative and equally efficacious remedy of filing a Criminal Revision Application under Section 397 of Cr.P.C. before the Sessions Court at Pune. Mr. Anturkar submitted that the applicant is required to appear before the trial court to day at 2.30 p.m. and, therefore, he apprehends that there may be some chance of adverse publicity causing prejudice to his case as the complaint filed by the present respondent no.1 is based on a report published in "The Indian Express" Pune edition.

. The application is disposed with liberty to the applicant to file a Criminal Revision Application before the Sessions Court at Pune and in the peculiar circumstances of this case, the applicant is exempted from his appearance before the learned JMFC (Cantonment Board) at Pune for two weeks.

(B.H. Marlapalle, J.)